

This chapter describes the City's local guidelines for evaluation of projects under the California Environmental Quality Act (CEQA). It is meant to be a user's guide to the CEQA process and guide the actions and evaluation process of the City; it does not trump State CEQA law or the State CEQA Guidelines.

A. WHAT IS CEQA AND WHAT IS THE CITY'S ROLE

A.1. INTRODUCTION

The California Environmental Quality Act (CEQA) was adopted in 1970 by the State Legislature to establish regulations that require analysis and disclosure of potential environmental impacts that may occur as a result of proposed "projects." The basic goal of CEQA is to develop and maintain a high quality environment now and in the future.

A "project" is an activity with the potential to have a physical impact on the environment, that is proposed to be undertaken by, or requires approval by, State and local government agencies. Examples of project activities may include the enactment of zoning ordinances, issuance of conditional use permits, and approval of tentative subdivision maps.

CEQA has several primary purposes:

- a) To inform governmental decision-makers and the public about the environmental effects of proposed activities;
- b) To involve the public in the decision-making process;
- c) To identify ways that damage to the environment can be avoided or significantly reduced; and
- d) To prevent environmental damage by requiring changes in projects through the use of alternatives or mitigation measures.

To accomplish these goals, environmental documentation must be prepared by the lead agency for all actions meeting the definition of a "project" under CEQA. "Lead Agency" means the public agency which has the principal responsibility for carrying out or approving a project. Agencies other than the "Lead Agency" with responsibilities for carrying out or approving a project are "Responsible Agencies," and state agencies with jurisdiction over natural resources held in trust for the people of the State of California are "Trustee Agencies. For most projects occurring within the limits of the City of Lone, the City would serve as the Lead Agency for the CEQA process.

The Lead Agency has the responsibility of determining whether a proposed action is a "project," or is "exempt" under CEQA. If a proposed action is determined to be a "project," the lead agency must determine the appropriate level of CEQA review based upon level of significance of potential impacts. An "Initial Study" is performed to identify environmental impacts of a project, and determine whether identified impacts are "significant." Based on the findings of "significance," the lead agency prepares one of the following documents:

- a) No Significant Impacts – Negative Declaration (ND);
- b) Significant Impacts identified, but project revised to avoid or mitigate impacts – Mitigated Negative Declaration (MND); or
- c) Significant Impacts Identified – Environmental Impact Report (EIR).

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The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects a proposed project is likely to have and to list ways that significant environmental effects may be minimized. An EIR must also indicate alternatives to the project. CEQA lays out a process but does not dictate an outcome or even specify alternatives. It simply prompts full disclosure of environmental impacts, investigation of alternatives with less dramatic impacts, and enables debate in a public forum before decisions are made.

A.2. CEQA GUIDELINES

The State publishes CEQA guidelines that provide information on the decisions and tasks that must be performed by local governments preparing an environmental analysis. Each public agency is responsible for complying with CEQA and the Guidelines. This chapter briefly discusses the CEQA review process. However, the complete State Guidelines are available for viewing and downloading on the Internet at <http://www.ceres.ca.gov/ceqa> and as a publication by Consulting Engineers and Land Surveyors of California (CELSOC). The City's guidelines are intended to implement the provisions of CEQA and to function as a supplement to State CEQA Guidelines. The intent is to translate multiple State laws and judicial interpretations into a clear guide for use by City officials, residents, project proponents, and City staff. In the case of a conflict between CEQA or the State CEQA Guidelines and this resolution, the statutory provisions of CEQA and the State CEQA Guidelines shall prevail.

B. DEFINITIONS

The following terms are used throughout this Chapter and are defined here.

"Applicant" means a person who proposes to carry out a project that needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the government approval or assistance. In the City of Lone, an applicant is any person or other legal entity who applies to the City to develop or improve any portion of the real property within the City boundaries. The term "Applicant" shall include all successors in interest.

"City" means the City of Lone.

"Discretionary" means the City uses its judgment in deciding how, and if, a project is approved. These projects are subject to CEQA review.

"Environment" means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, circulation patterns, and objects of historic or aesthetic significance.

"Highest Approving Authority" means the decision-making body or person with the final approving authority for a given project. This may be the City Council, the Design Review Commission, the Planning Commission, City Manager, or other designated official.

"Lead Agency" means the public agency that has the principal responsibility for carrying out or approving a project which may have a significant effect on a project. The lead agency drafts the Initial Study and decides whether an EIR, Negative Declaration, or Mitigated Negative Declaration will be required. The City of Lone is the lead agency for projects within the City Limits. In these guidelines, "the City" and the "City of Lone" are used interchangeably with Lead Agency.

“Ministerial” means a governmental decision involves little or no personal judgment by City officials as to the wisdom or manner of carrying out a project. These projects are not subject to CEQA review.

“Mitigated Negative Declaration” means a Negative Declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but:

- a) Revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and
- b) There is no substantial evidence in light of the whole record before the City that the project, as revised, may have a significant effect on the environment.

“Mitigation” means:

- a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- e) Compensating for the impact by replacing or providing substitute resources or environments.

“City Planner” means the City Planner of the City of Lone or his/her designee.

“Project” means an activity that may result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is:

- a) An activity directly undertaken by the City including, but not limited, public works projects, clearing or grading of land, improvements to existing public buildings, enactment or amendment of zoning ordinances, and adoption or amendment of the General Plan;
- b) An activity undertaken by a person which is supported in whole or in part through City contracts, grants, subsidies, loans, or other forms of assistance; or
- c) An activity involving the discretionary issuance to a person of a lease, permit, license, certificate, or other entitlement granted by one or more public agencies.

“Responsible Agency” means any public agency, other than the lead agency, that has discretionary approval power over the project for which the Lead Agency has prepared an EIR or negative declaration. The following agencies are identified as potential Responsible Agencies for the City of Lone:

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- a) Amador County
- b) Amador Local Agency Formation Commission
- c) Amador County Transportation Commission
- d) Amador Water Agency
- e) California Department of Transportation
- f) California Public Utilities Commission

"Trustee Agency" means a State agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. Trustee agencies include:

- a) The California Department of Fish and Game with regard to the fish and wildlife of the state, to designated rare or endangered native plants, and to game refuges, ecological reserves, and other areas administered by the department;
- b) The State Lands Commission with regard to state owned "sovereign" land such as the beds of navigable waters and state school lands;
- c) The State Department of Parks and Recreation with regard to the units of State Parks system; and
- d) The University of California with regard to sites within the Natural Land and Water Reserves System. (CEQA Guidelines § 15386)
- e) The U.S. Army Corps of Engineers
- f) The Regional Water Quality Control Board
- g) The State Water Resources Board
- h) The U.S. Fish and Wildlife Service

C. AUTHORITY PROVIDED BY CEQA

The City applies CEQA during the development review process to identify and mitigate or avoid significant effects on the environment. CEQA gives the City authority to require mitigation for projects, disapprove projects, approve projects despite significant effects, comment, and charge fees.

C.1. MITIGATE

The City may require changes in any activities involved in the project to lessen or avoid significant effects on the environment. CEQA statute Section 21002.1(b) states that "each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out whenever it is feasible to do so."

C.2. DISAPPROVE PROJECTS

The City may disapprove a project if necessary to avoid significant effects on the environment that would occur if the project were approved.

C.3. APPROVE PROJECTS DESPITE SIGNIFICANT EFFECTS

The City may approve a project, even though it may cause a significant adverse effect on the environment, if the City makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the effect. In doing so, the City will identify expected benefits from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project in a Statement of Overriding Considerations. The Statement of Overriding Considerations requires decision makers to disclose to the public the justification for project approval despite the project's significant environmental impacts.

C.4. COMMENT

The City, when serving as a responsible agency, may submit comments to a lead agency concerning environmental effects.

C.5. CHARGE COSTS

The City, as lead agency, may charge and collect reasonable deposits in order to recover the cost of preparing environmental documents. These costs are subject to periodic review and adjustment. Please see the current costs schedule in Table IV.C-1 (Environmental Cost Schedule) below. The City charges an hourly fee to administer all environmental review. All costs will be deducted from the deposit made by the project applicant. If the deposit does not cover all charges, the project applicant will be billed for the remaining charges. For an Environmental Impact Report, a standards hourly fee will be charged for time spent by City staff overseeing the review, in addition to the cost of preparation of the EIR by an outside consultant or City on-call staff. Costs for preparation of special studies managed by the City, as well as peer review of applicant conducted special studies, are charged on a time and materials not to exceed from an approved scope and budget.

TABLE IV.C-1: ENVIRONMENTAL COSTS SCHEDULE

Environmental Review Deposit	\$250
Direct Costs	Charged on a time and materials basis after deposit funds are utilized
City Planner	\$95/hour
Associate Planner	\$75/hour
Principal Engineer	\$90/hour
Associate Engineer	\$90/hour
City Attorney	\$95/hour
City Clerk	\$15/hour
Consultant fees for preparation of an EIR	As identified in the consultant's scope of work

In addition to costs charges by the City, Amador County charges a \$50 filing fee for recordation and processing of Notices of Exemption and Notices of Determination. Checks are to be made

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out to Amador County Clerk Recorder and are to be provided to the City at the time of the final public hearing. The City will coordinate the filing of the Notice of Exemption or Notice of Determination with the County.

Additional fees may be required by the State Department of Fish and Game (Fish and Game Commission, Chapter 4, § 753.5) to defray the costs of managing and protecting fish and wildlife, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, and developing monitoring programs. State Fish and Game fees are paid as part of the filing charges with Amador County. The Fish and Game fees are as depicted below in Table IV.C-2 (State Fish and Game Fees).

TABLE IV.C-2: STATE FISH AND GAME FEES

CEQA Document	Fee
Notice of Exemption	No Fee
Negative Declarations	\$1,876.75
Mitigated Negative Declarations	\$1,876.75
Environmental Impact Report	\$2,606.75

D. APPLICABILITY OF CEQA

D.1. GOVERNMENT ACTION

CEQA applies to all discretionary government action. This may involve activities directly undertaken by the City, activities financed in whole or part by the City, or private activities that require approval by the City.

D.2. DISCRETIONARY AND MINISTERIAL ACTIONS

CEQA applies in situations where the City uses its judgment in deciding how, and if, a project is approved. Such projects are called "discretionary." A discretionary decision requires the exercise of judgment in deciding whether to approve or disapprove of a particular activity. Discretionary projects may include rezoning, conditional use permits, General Plan amendments, variances, site plan and architectural review, etc.

"Ministerial" describes a governmental decision involving little or no personal judgment by City officials as to the wisdom or manner of carrying out a project. These projects are generally not subject to CEQA review. For example, the issuance of building permits, business licenses, hazardous materials permits, and final subdivision maps are ministerial items.

D.3. TIME OF COMPLIANCE

The City will comply with CEQA procedures as set forth in these guidelines whenever the City proposes to carry out or approve a project. CEQA review, preparation, and certification of appropriate documentation occur prior to granting an approval of private projects or authorization of public projects. EIRs, Mitigated Negative Declarations, and Negative Declarations should be prepared as early as possible in the planning process to enable environmental considerations to influence project program and design, yet late enough to provide meaningful information for environmental assessment. Early consultation with City

planning staff, as well as applicable Responsible Agencies and Trustee Agencies, is recommended to occur during the project planning process to ensure early compliance with appropriate policies and standards, thereby assisting in streamlining the review and analysis once CEQA review begins (refer to section E, below).

D.4. RESPONSIBILITY FOR COMPLIANCE

The City Planner shall ensure that these guidelines are followed for both public and private projects, either preparing or directing the preparation of necessary studies and environmental review. These guidelines apply to all agencies of the City.

E. ENVIRONMENTAL REVIEW PROCEDURES

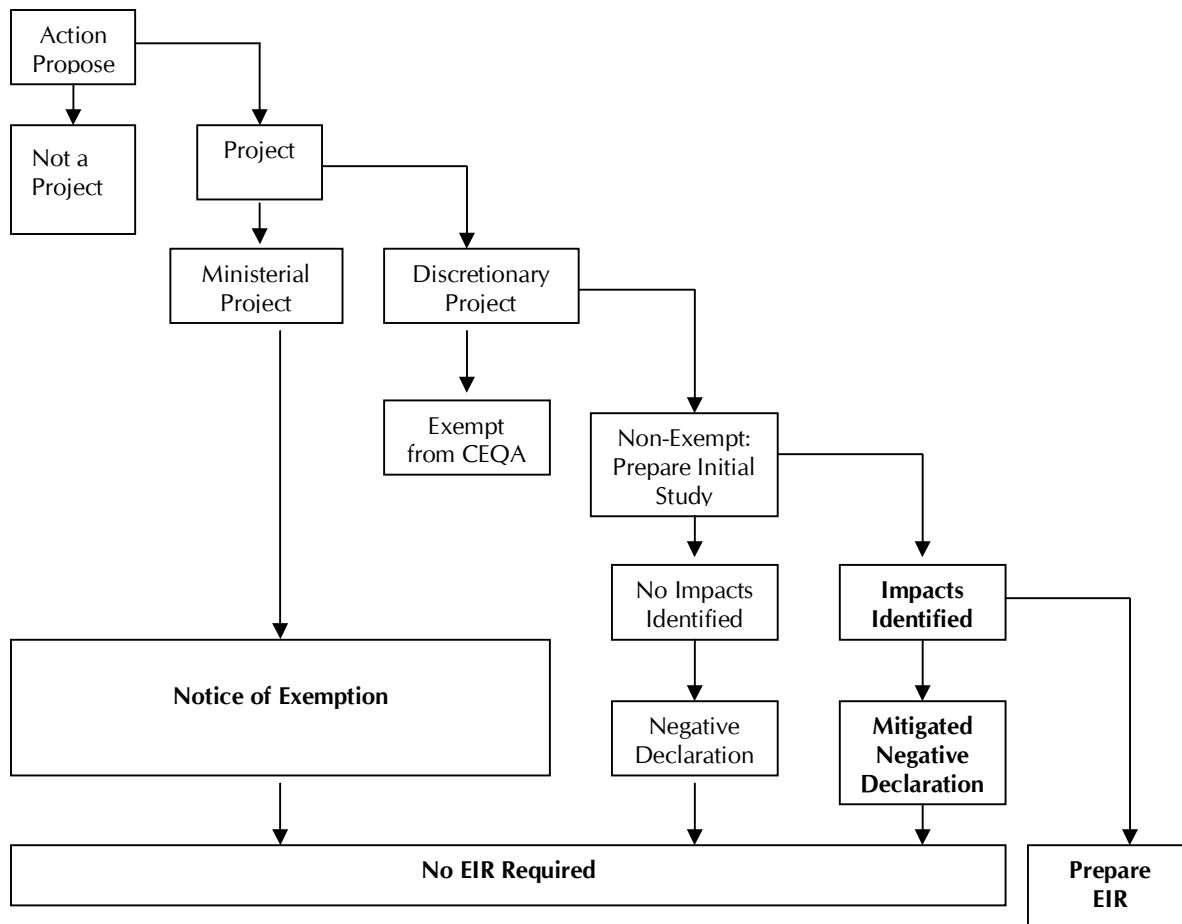
E.1. INITIATION OF THE CEQA PROCESS

E.1.1. Consultation on CEQA determinations before project application

At the request of a potential public or private project applicant, Planning may provide consultation before a project permit application is filed regarding CEQA environmental review considerations, including the range of actions, potential alternative, mitigation measures, and any potential and significant effects on the environment. Such consultations are conducted through regular departmental processes, including the public information counter and pre-application conferences.

The CEQA process may be extensive and tedious. Consultation with planning staff is recommended to simplify the process and prepare the applicant for all requirements of the application process. A simplified overview of the CEQA process is provided in Figure IV.E-1 (The CEQA Decision Making Process) on the next page.

FIGURE IV.E-1: THE CEQA DECISION MAKING PROCESS



E.2. APPLICATION PROCESS

The applicant submits to the City an Environmental Assessment Questionnaire (see Appendix B) and Project Application and both of these together become known as the "Application", and the date the Application is submitted becomes known as the filing date. A planner will accept the Application for filing, accept environmental review and application fees, and determine if the application contains the necessary maps, forms, etc. The application should include information to adequately describe a proposed project for the purpose of environmental review. This information requirement for application submittals includes all the details needed for review of routine projects. Large or complex projects may require additional information to complete an accurate environmental assessment. A description of the application review process is included in Chapter 3.

The application should include detailed information on site conditions, particularly any unique characteristics such as environmentally sensitive habitats. Design features or mitigation measures incorporated into the proposed project that are intended to avoid, reduce, or otherwise mitigate project impacts should also be described.

For projects that may use or generate hazardous materials, or that may pose a threat to public health or safety, information regarding the engineering basis and design of the project facilities and the effects of project operations is required.

For projects that require permits from other City Departments or other agencies (e.g., California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Bureau of Land Management, Caltrans), the Planning Department may require information needed by such departments or agencies to accompany an application.

E.3. ACTIVITIES NOT SUBJECT TO CEQA

Not all proposed activities are subject to CEQA. An activity is not subject to CEQA if:

- a) The activity does not involve the exercise of discretionary powers by a public agency;
- b) General Rule Exemption: The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment (see Projects Exempt from CEQA, below and State CEQA Guidelines Section 15601(b)(3)); or
- c) The activity is not a project as defined in State CEQA Guidelines Section 15378.

If the project meets any of the above criteria, no additional review is required and a finding should be made in the staff report prepared for the project, stating that the project is not subject to CEQA. If the activity is subject to CEQA, the City then determines whether or not it is a project exempt from CEQA.

E.4. PROJECTS EXEMPT FROM CEQA

All proposals or activities subject to CEQA (projects) must be reviewed to determine if one of the following exemptions is appropriate:

- a) Statutory Exemption: Certain activities have been exempted from CEQA by State Legislature. These exemptions include feasibility or planning studies, ministerial projects, and emergency actions. See Section 15262 through 15285 of the State CEQA Guidelines for examples of statutorily exempt projects.
- b) Categorical Exemption: Certain classes or categories of projects, subject to the exceptions listed in State CEQA Guidelines Section 15300.2, have been determined by the State of California to have an insignificant effect on the environment and are known as Categorical Exemptions. Currently, the State CEQA Guidelines (Sections 15301-15333) recognize 33 classes of categorically exempt projects.

If a project is exempt, and the City approves or determines to carry out the project, Planning shall prepare a Notice of Exemption (NOE) (see Appendix B) that is kept with the project application until a determination is made on the project. In addition, the City shall file an NOE for those activities deemed not subject to CEQA under the "General Rule" exemption.

After the Planning Commission or City Council decides to approve the project, the NOE must be filed with the County Clerk where it will be posted for public viewing for a period of 30 days. State CEQA Guidelines state that the NOE may be filed by either the applicant or the lead agency. In Lone, the NOE is filed by the City. After the review period, the clerk will return the notice to the City, where it is filed with the project application.

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E.5. PROJECTS NOT EXEMPT FROM CEQA

Following initial review, Planning prepares an Initial Study (see Appendix B) to determine if the project may have a significant effect on the environment. An Initial Study is a preliminary analysis prepared by the Lead Agency to identify the potentially significant adverse environmental effects caused by the project and to identify feasible mitigation measures to minimize those significant adverse effects to a less than significant level. The Initial Study allows the preparer to determine whether an EIR or a Negative Declaration must be prepared or to identify the specific significant environmental effects to be analyzed in an EIR (see Initial Study template and CEQA Guidelines Section 15063).

For private projects, the City of Ione will prepare an Initial Study within 30 days of deeming the project application complete (for public projects, these time limits do not apply). The 30 day period may be extended 15 days upon the consent of the lead agency and the project applicant. The Initial Study will determine if a project will require a Negative Declaration (ND), Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR), or can be reviewed using a previously prepared EIR or Negative Declaration, except as provided in CEQA Guidelines Section 15111.

E.6. INITIAL STUDY

E.6.1. Purposes of the Initial Study

The Initial Study has several primary purposes:

- a) Provide the City with information to use when deciding whether to prepare an EIR, Mitigated Negative Declaration, or Negative Declaration;
- b) Enable an applicant or the City to modify a project, mitigating adverse impacts, thereby enabling the project to qualify for a Negative Declaration or Mitigated Negative Declaration;
- c) Assist in preparing an EIR, if one is required, by focusing on the effects determined to be significant, identifying the effects determined to be insignificant, and explaining the reasons for coming to these conclusions;
- d) Assess environmental impacts early in the design of a project;
- e) Document the factual basis for finding, in a Negative Declaration or Mitigated Negative Declaration, that a project will not have a significant effect on the environment;
- f) Eliminate unnecessary EIRs; and,
- g) Determine if a previous EIR can be used for the project.

The Initial Study is normally prepared by City staff. All phases of project planning, implementation, and operation must be considered in the Initial Study of the project. The planner may consult with other City departments, agencies, groups, and individuals, which may provide information and assistance to Planning during this phase of environmental review. As shown in the template provided in Appendix B, the Initial Study shall include a project description, an identification of the environmental setting, evaluation of environmental impacts,

and discussion of any potentially significant impacts and any feasible mitigation measures that would enable these to be avoided or substantially reduced. Complex projects may require special studies to support the conclusions made in the Initial Study.

The Initial Study shall make a recommendation as to whether a Negative Declaration (no significant impacts), a Mitigated Negative Declaration (mitigation identified for all potentially significant impacts), or a Draft EIR (significant impacts) shall be prepared for the project.

E.6.2. Consultation during Initial Study Preparation

During preparation of the Initial Study, the Planning Department will consult informally with all responsible agencies and trustee agencies responsible for resources potentially affected by the project to obtain recommendations from those agencies regarding potential impacts and mitigation measures to offset the impacts. If such recommendations are made, planners should then consult with the applicant (or City Agency sponsoring a public project) to determine if he or she is willing to modify the project, as recommended, to reduce or avoid the significant effects identified in the Initial Study. Establishing a strong project description and incorporating agency input at the beginning could reduce processing time in preparing the resulting CEQA documentation in two key ways:

- a) It assists the planner in correctly concluding whether an EIR, a Negative Declaration, or a Mitigated Negative Declaration should be prepared.
- b) It reduces the likelihood of having to recirculate the environmental document later, based on new, revised, or unexpected information that could have been worked out through the Initial Study and Administrative Draft process. (An Administrative Draft is an internal document prepared for final City review prior to release of the Draft document for public review).

This consultation process is normally conducted as part of project application routings, as described in Chapter 3.

E.6.3. Mandatory Findings of Significance

The City must prepare an EIR if any of the following conditions occur in the Initial Study:

- a) The project has the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory;
- b) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals;
- c) The project has environmental effects that are individually limited, but cumulatively considerable. This means that the incremental effects of a project are significant when considering past projects, approved projects, and probably future projects; or,
- d) The environmental effects will have substantial adverse effects on human beings, either directly or indirectly.

E.6.4. Determining Environmental Significance

A significant effect on the environment is any substantial adverse change in the physical conditions that exist around the proposed project. Current conditions include existing development, plus any projects that are approved but not yet constructed. If there is substantial scientific and factual evidence, in light of the whole record before the City, that a project will have a significant effect on the environment, and the effect cannot be mitigated or avoided, an EIR must be prepared. This means that if the City is presented with a fair argument that a project may have a significant effect on the environment, the City shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.

Economic and social effects are not considered environmental impacts, but may be used as a factor in determining whether the physical change shall be regarded as a significant effect on the environment. There is no iron-clad definition of what constitutes a significant effect because the significance of an activity may vary according to location. However, evaluation must consider:

- a) Direct impacts, such as construction-related impacts of dust and noise, or the physical impacts of a new structure on existing vegetation or existing storm flow routes and velocities;
- b) Indirect impacts, such as those associated with growth resulting from additional infrastructure capacity (refer to State CEQA Guidelines Section 15064); and,
- c) Cumulative impacts, such as those resulting from the total effect of a group of proposed projects or programs, over time.

Establishing City-specific, and environmental resource-specific thresholds of significance is the best way to assess potential impacts, and ensure that environmental impacts are addressed consistently across projects.

E.6.5. Thresholds

The determination of whether or not a project has a significant effect on the environment is based, in part, on thresholds described in Section G of this document, Thresholds of Significance. Thresholds are measures of environmental change that are quantitative for subjects like noise, air quality, and traffic; and qualitative for subjects like aesthetics, cultural resources, and biology. They are intended to be used as supplementary guidelines to clarify existing CEQA provisions governing significance.

E.7. NEGATIVE DECLARATION & MITIGATED NEGATIVE DECLARATION

E.7.1. Negative Declaration

E.7.1.a. Preparation of a Negative Declaration

A Negative Declaration shall be prepared for non-exempt projects if:

- a) The Initial Study concludes that there is no substantial evidence that the project may have a significant effect on the environment; or

- b) The Initial Study identified potentially significant effects, but 1) prior to circulation of the proposed Negative Declaration, the project is revised to avoid or mitigate the effects to a point where clearly no significant effects would occur; and 2) there is no substantial evidence that the project, as revised, may have a significant effect on the environment.

For both public and private projects, the Planning Department prepares the proposed Negative Declaration/Mitigated Negative Declaration.

E.7.1.b. Content of a Negative Declaration

A Negative Declaration shall include a brief project description, project location (preferably shown on a map), name of the project proponent and lead agency, a proposed finding that the project will not have a significant effect on the environment. Typically, the Initial Study will be used as the Negative Declaration after inclusion of the proposed finding of no significant impacts. An example Negative Declaration form is provided in Appendix B.

E.7.2. Mitigated Negative Declaration

E.7.2.a. Preparation of a Mitigated Negative Declaration

If there is a potential for significant impacts, every effort should be made to identify and incorporate mitigation measures into the project design prior to completion of the Initial Study. If identified impacts can be mitigated to a non-significant level, the time and expense associated with preparation of an EIR can be avoided. Every known impact must be reduced in this fashion, or an EIR is required. Creativity, reasonableness, and practicality should be used in developing mitigation measures for identified impacts.

A Mitigated Negative Declaration shall be prepared for non-exempt projects when the Initial Study identifies potentially significant adverse impacts but where mitigation measures exist and have been required that will reduce all potentially significant effects on the environment of the proposed project to a less than significant level. Mitigation includes:

- a) Avoiding the impact altogether by not taking a certain action, or parts of an action;
- b) Minimizing impacts by limiting the degree of magnitude of the action and its implementation;
- c) Repairing, rehabilitating, or restoring an impacted environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance of operations during the life of the action; and,
- e) Compensating for the impact by replacing or providing substitute resources or environments.

E.7.2.b. Content of a Mitigated Negative Declaration

A Mitigated Negative Declaration shall include a brief project description, project location (preferably on a map), name of the project proponent and lead agency, a proposed finding that the project will not have a significant effect on the environment. Typically, the Initial Study will be used as the base for the Mitigated Negative Declaration, with project-specific mitigation

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measures and the proposed finding of no significant impacts incorporated into the document. An example Mitigated Negative Declaration form is provided in Appendix B.

E.7.3. Public Notice for a Negative Declaration or a Mitigated Negative Declaration

The City shall notify the public of its intention to adopt a Negative Declaration or Mitigated Negative Declaration and provide opportunities to review it and any related documents. An example Notice of Intent (NOI) template is provided in Appendix B. Public notice shall be made at least 20 days prior to acting on the project; however, 30 days minimum public notice shall be made when Responsible or Trustee Agencies are involved. Notice shall be provided to responsible agencies, trustee agencies, and the County Clerk. Notice shall also be mailed to all residents and property owners within a 300 foot radius of the subject property and all organizations and individuals who have previously requested such notice in writing, and shall be posted in the local paper. However, as provided for in Section 21092(c), when the project involves any type of facility with hazardous materials, municipal wastes, or other hazardous wastes, notice shall also be provided by direct mailing to owners and occupants of properties within one-fourth of a mile of any parcel or parcels the project is located on.

If a Negative Declaration or a Mitigated Negative Declaration is to be reviewed by a responsible or trustee agency, notice must also be given to the State Clearinghouse, along with fifteen (15) copies of the Initial Study and Negative Declaration or Mitigated Negative Declaration. The review period for these projects is 30 days unless a shorter period is approved by the State Clearinghouse (State CEQA Guidelines Sections 15105 and 15205).

E.7.4. Time Limits for a Negative Declaration and Mitigation Negative Declaration

For private projects, a Negative Declaration or Mitigated Negative Declaration must be completed and ready for approval within 180 days from the day when the City accepts the project application as complete (State CEQA Guidelines Section 15107). Approval of the Negative Declaration or Mitigated Negative Declaration by the highest approving authority may occur at a later date when the permit or other entitlement is approved. Any unreasonable delays resulting from failure of the applicant to provide information requested by the City and necessary to compile the Negative Declaration or Mitigated Negative Declaration shall suspend these time limits. An overview of the time limits is provided below in section E.7.5.

E.7.5. Summary of Process and Time Limits for a Negative Declaration and Mitigated Negative Declaration

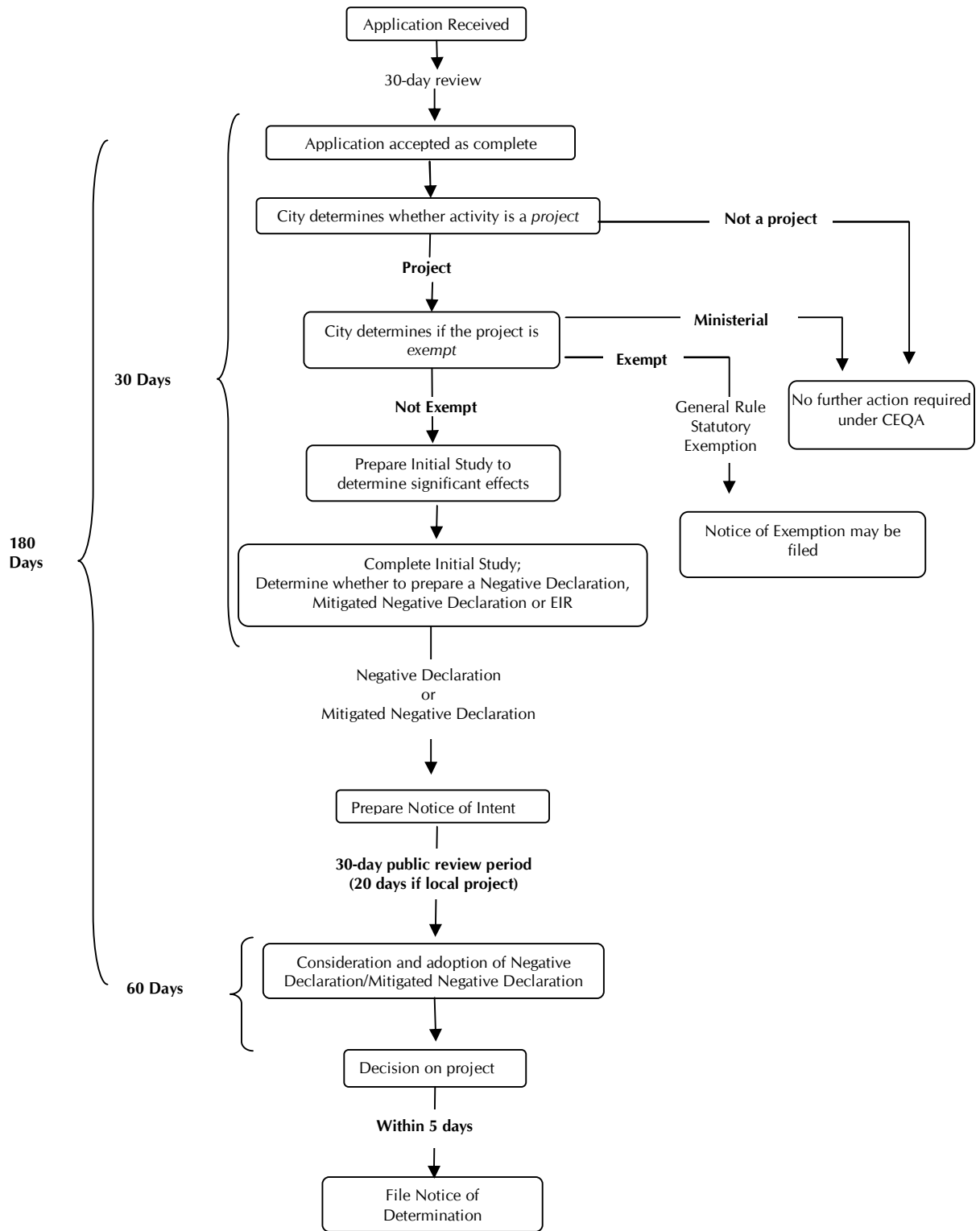
The process for preparing a Negative Declaration/Mitigated Negative Declaration is summarized in Table IV.E-1 (Preparing a Negative Declaration/Mitigated Negative Declaration) below and Figure IV.E-2 (Negative Declaration/Mitigated Negative Declaration Process).

TABLE IV.E-1: PREPARING A NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION

Step	Description
1.	Initial Consultation with City staff to determine application requirements.
2.	Any special studies requested by the City are prepared at the applicant's expense.
3.	Application received and deemed complete by the City.
4.	Initial Study completed within 30 days of deeming the application complete- the presence of environmental impacts is indicated.

Step	Description
5.	Mitigation Measures identified and agreed to by project proponent.
6.	Draft Negative Declaration or Mitigated Negative Declaration is prepared.
7.	Notice of Intent to adopt a Negative Declaration or Mitigated Negative Declaration is filed with County Clerk 20-30 days before acting on project.
8.	Public Notice and Review (20 day minimum; 30 day minimum required if Responsible or Trustee Agencies involved).
9.	Comments on Negative Declaration or Mitigated Negative Declaration are received.
10.	City considers and responds to comments.
11.	Draft Final Negative Declaration or Mitigated Negative Declaration completed and distributed to list of interested parties and decision-making body (Planning Commission, City Council, etc) at least ten (10) days prior to hearing (when a public hearing is required).
12.	Negative Declaration or Mitigated Negative Declaration is adopted
13.	City makes decision on project. This generally occurs simultaneously with adoption of the Negative Declaration or Mitigated Negative Declaration (step 12 above).
14.	Any revisions resulting from public hearing are incorporated into final MND and re-submitted to City for final record and Notice of Determination.

FIGURE IV.E-2: NEGATIVE DECLARATION/MITIGATED NEGATIVE DECLARATION PROCESS



E.7.6. Procedures for Appealing a Decision that a Negative Declaration or Mitigated Negative Declaration is Required

Anyone who wishes a reconsideration of the decision to prepare a Negative Declaration or Mitigated Negative Declaration by the Planning Department must request reconsideration in writing and submit the request to the City Planner. The request for reconsideration must be filed with the Planning Department within 21 days of the posting date of the Negative Declaration or Mitigated Negative Declaration. The decision reached by the City Planner upon reconsideration shall be final.

E.7.7. Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration

Prior to project approval, the highest approving authority shall consider the proposed Negative Declaration or Mitigated Negative Declaration together with any comments received during the review process and any comments from an advisory board. The highest approving authority shall adopt the Negative Declaration or Mitigated Negative Declaration only if it finds, on the basis of the whole record before it (including the Initial Study and comments received), that there is not substantial evidence the project will have significant effects on the environment and that the Negative Declaration or Mitigated Negative Declaration reflects the City's independent judgment and analysis. If evidence suggests that an EIR should have been prepared, the highest approving authority will require that an EIR be prepared and considered before project approval.

E.7.8. Notice of Determination for a Negative Declaration or Mitigated Negative Declaration

After a Negative Declaration or Mitigated Negative Declaration has been adopted, the City shall file a Notice of Determination with the County Clerk. For projects with phases, the City shall file a Notice of Determination after deciding to carry out or approved each phase. This notice shall be filed and posted within five working days following project approval. If the project requires a discretionary approval from any State agency (e.g., future improvements in the Caltrans right-of-way), the notice shall also be filed with the Governor's Office of Planning and Research (see Appendix B for the Notice of Determination form). Filing and posting the Notice of Determination starts a 30-day statute of limitations on court challenges to CEQA approvals. Failing to file the Notice of Determination within the required time period extends the statute of limitations to 180 days.

E.8. ENVIRONMENTAL IMPACT REPORTS (EIRs)

E.8.1. Decision to Prepare an EIR

If the Initial Study determines that a project may have significant effect on the environment, which cannot be eliminated by changing the project or adding mitigation measures, the City must initiate the preparation of an Environmental Impact Report (EIR). An EIR is also required for all projects which the City determines that there is substantial evidence, in light of the whole record before the City, supporting a fair argument that the project may have a significant effect on the environment and which involves discretionary governmental action. The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (refer to section 15064).

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The City will determine whether an EIR is required within 30 days of the deeming the project application complete. A 15 day extension may be approved upon consent of the applicant and the City. An EIR may be prepared by contract to the City, but in no case shall an EIR be prepared by the project applicant. However, the project applicant may be required to submit such information and data as is necessary for the preparation of an EIR.

Any person may appeal to the City Council the City Planner's final determination that a project requires an Environmental Impact Report. The appeal shall be in writing and shall be filed with the City Clerk no later than the twenty-first (21st) day following the date upon which the Notice of Preparation was first posted or mailed to the project applicant.

The filling of the appeal shall stay the City Planner's determination until a final decision is rendered by the City Council. The decision of the Council shall be rendered within forty-five (45) days after filing the appeal with the City Clerk. The City Clerk shall cause notice of the time, date, and place of the hearing to be given not less than five (5) days prior to the subject hearing to the appellant and applicant, if they are not one and the same, and to any other person who requests such in writing. The City Clerk shall advise the project applicant in writing of the Council's decision.

E.8.2. Notification to Project Proponent and Payment of Fees for an EIR

The City shall notify the project applicant by letter that an EIR is required. The project applicant must then authorize the City staff to continue processing the application and remit a deposit to cover start-up costs involved in drafting the Notice of Preparation and conducting the consultant selection process. The applicant shall pay all costs for preparation of the EIR.

E.8.3. Notice of Preparation of an EIR

After determining that an EIR is required and receiving payment of the fee deposit from the applicant, the City shall prepare and distribute a Notice of Preparation of an EIR. The purpose of this notice is to inform responsible agencies, neighboring jurisdictions, area residents, and public interest groups that an EIR is being prepared, and seek guidance about significant environmental issues and mitigation measures that should be explored. The Notice of Preparation may include the Initial Study and shall be posted in the office of the Amador County Clerk and remain posted for 30 days (refer Appendix B for the Notice of Preparation Form).

The Notice of Preparation shall be sent to each responsible agency, every federal agency involved in approving or funding the project, and to each trustee agency responsible for natural resources affected by the project. If any State agency is affected the Notice shall be sent to the Office of Planning and Research (OPR) for distribution. The response period for the Notice of Preparation is a minimum of 30 days for projects requesting input from Responsible or Trustee agencies, or projects of statewide, regional or area-wide significance, or a minimum of 20 days for local-only projects, but may be longer for controversial or complicated projects. The City may begin work on the draft EIR immediately without awaiting responses to the Notice of Preparation; however, the City shall not circulate a draft EIR for public review before the time period for responses to the Notice of Preparation has expired.

E.8.4. Preparing a Draft EIR

The City may choose one of the following arrangements, or a combination of them, in preparing a draft EIR:

- a) Preparing the draft EIR directly with its own staff;
- b) Contracting with another entity, public or private, to prepare the draft EIR;
- c) Using a previously prepared EIR.

Before using a Draft EIR prepared by a consultant, the City shall subject an administrative draft to the City's own review and analysis. The Draft EIR, which is sent out for public review, must reflect the independent judgment of the City. The City is responsible for the adequacy and objectivity of the draft EIR.

E.8.5. Scope of an EIR

The EIR should focus on potentially significant impacts, and need not discuss items determined to be insignificant by the Initial Study, or items not raised in response to the Notice of Preparation. A community scoping meeting before the appropriate hearing body may be held for projects of unusual scope or complexity. Scoping is an effective way to bring together and resolve the concerns of interested or affected individuals. The public scoping meeting generally occurs during the NOP comment period to elicit information and public comment on the project prior to or during the initial stages of EIR preparation.

Within 30 days after receiving the Notice of Preparation, each responsible agency shall provide the City with specific detail about the scope and content of the environmental information related to the responsible agency's area of statutory responsibility which must be included in the draft EIR.

E.8.6. Types of EIRs

In order to allow environmental review to occur as efficiently as possible, CEQA allows for the preparation of different types of EIRs. The following list describes these different types of EIRs. The section references are to the CEQA Guidelines.

- a) **Project EIR:** This is the most common type of EIR. It examines the environmental impacts of a specific development proposal. This type of EIR focuses on the changes to the environment that would result from the project, examining all phases of the project, including planning, construction, and operation.
- b) **Subsequent EIRs and Subsequent Negative Declarations** (section 15162): Subsequent EIRs or Subsequent Negative Declarations may be appropriate if an EIR has already been prepared but there have been:
 - 1. Substantial changes in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - 2. Substantial changes in the circumstances affecting the project (such as environmental deterioration);
 - 3. New information of substantial importance that was not previously analyzed;

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4. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project ; or
 5. Mitigation measure or alternatives which were not previously considered in the EIR would substantially lessen one or more significant effects on the environment.
- c) **Supplement to an EIR:** A Supplement to an EIR may be prepared if:
1. Any of the conditions described for Subsequent EIRs are met; and
 2. Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- d) Other types of EIRs:
1. Program EIRs for multiple or phased projects (section 15168);
 2. Staged EIRs (section 15167);
 3. Master Environmental Assessments (section 15169, 15175-15179);
 4. Joint Environmental Impact Report/Environmental Impact Statements for projects involving federal agencies, money, or land (section 15170); and,
 5. An Addendum to an EIR or Negative Declaration.

E.8.7. Contents of EIRs (section 15120)

The required contents of EIRs are set forth in Article 9 of the State CEQA Guidelines. Staff should always refer to the State CEQA Guidelines to assure that the content requirements are met.

E.8.8. Request for Proposals and Consultant Selection Procedures

Several methods of consultant selection are described in Appendix B. Selection is normally based on such criteria as education, experience, competence, and availability.

Generally, it is advisable to defer consultant selection until the review period for the Notice of Preparation has expired. This assures that all comments from responsible and trustee agencies are included in the scope of work. However, there is an exception: an alternate selection process may be required when the consultant's Scope of Work is to include IS/NOP preparation.

E.8.9. Execution of Contract

After staff has selected a consultant and agreed upon a scope of work, the project applicant shall be notified of the cost to prepare the EIR. The cost shall include preparation of the Draft EIR, attendance at public hearings, preparation of the response to comments or Final EIR, reproduction costs for a specified number of documents, consultant costs (travel, administration, overhead, etc.), and a City administrative fee for management of the contract and work product.

Before beginning work on the report, the applicant must deposit with the City an amount of money that will cover all costs specified above. Alternatively, the City and applicant may formally agree to a payment plan, provided the applicant makes payments to the City within 30 days of the City paying the consultant. The City will then execute a contract with the consultant. Prior to executing a contract, all consultants retained by the City shall demonstrate possession of liability insurance and statutory workers compensation coverage acceptable to the City.

E.8.10. Preparation of an Administrative Draft

The pre-circulation draft of the EIR is referred to as the administrative draft. This draft is considered a working document to be circulated among City staff and any responsible agency, if appropriate, and is not available for public review. The purpose of staff review of administrative draft EIRs is to evaluate them for adequacy and accuracy prior to public circulation. Generally, staff review of the administrative draft EIR is concluded within a few weeks, after which comments are provided to the consultant, who prepares the Draft EIR.

Staff shall provide the consultant with all available and pertinent plans, maps, and other information that help prepare the administrative draft EIR. The consultant should also be notified of relevant outside agencies that are known to the City.

E.8.11. Notice of Completion of a Draft EIR

As soon as the Draft EIR is completed and ready for public circulation, a Notice of Completion must be filed with the Governor's Office of Planning and Research (OPR). This notice is attached in Appendix B. Receipt of this notice by OPR will initiate the mandatory 45-day review period for draft EIRs where a State agency is a responsible agency. A shorter review period, not less than 30 days, may be permitted if no State agency is involved or if a shorter review period is approved by the State Clearinghouse.

E.8.12. Public Review of Draft EIRs (section 15087)

At the same time the Notice of Completion is filed with the OPR, the City shall mail a Notice of the Availability (Appendix B) of a Draft EIR to all residents and property owners within 300 feet of the subject site, all organization and individuals who have previously requested such notice in writing, to local and regional agencies, and interested federal agencies. Additional notice, generally referred to as a Notice of Availability, shall also be provided in a local newspaper. However, as provided for in Section 21092(c), when the project involves any type of facility with hazardous materials, municipal wastes, or other hazardous wastes, notice shall also be provided by direct mailing to owners and occupants of properties within one-fourth of a mile of any parcel or parcels the project is located on. Copies of the draft EIR shall be sent to all agencies that commented on the Notice of Preparation (copies for State agencies are distributed through the State Clearinghouse) and to organizations or persons who offered comments. Review periods of draft EIRs shall not be less than 30 days nor longer than 60 days from the date of the notice except in unusual situations. Public notice for the draft EIR shall specify the public review and comment period.

Projects meeting the criteria set forth in section 15206 (statewide, regional, or area wide significance) shall submit environmental documents to the State Clearinghouse and the Amador County Transportation Commission.

E.8.13. Evaluation of Responses to Comments (section 15088)

After the review period for the draft EIR closes, staff assembles all written comments and transcripts of comments made at the public hearing(s). These comments are then transmitted to the consultant for preparation of the "Response to Comments" document. Staff works closely with the consultant to determine:

- a) Which comments address environmental impacts and mitigation (responses must be given to these comments);
- b) Which comments address the merits of the project (as distinguished from environmental impacts of the project) and do not require a response, but should be noted for the record;
- c) Which comments are beyond the scope of the environmental review (such as legal interpretations); and,
- d) Which comments on impacts are too speculative for evaluation.

Responses shall be provided for all comments unless a response is not appropriate, in which case an explanation will be provided as to why a response is not warranted. At least ten (10) days before certifying the EIR, the response to comments document must be provided to all agencies or individuals who commented on the draft EIR.

E.8.14. Preparation of the Final EIR (section 15089)

The City shall prepare a Final EIR before the highest approving authority approves the project. The Final EIR consists of the Draft EIR, comments received, a list of persons and organizations who made comments, and the response to the comments document.

Alternatively, the Draft EIR may be revised to incorporate responses to comments into the text of the report. If this format is utilized, the Final EIR would consist of the revised Draft EIR, comments received, a list of persons and organizations who commented, and an indication of where each comment is addressed in the revised text.

E.8.15. Certification of the Final EIR and Time Limits (section 15090, section 15092)

The highest approving authority shall certify that the Final EIR is in compliance with CEQA, was reviewed and considered prior to project approval, and reflects the independent judgment and analysis of the City. The highest approving authority shall certify the Final EIR for private projects within one year of accepting the application as complete. Upon consent of the applicant and the City, the one-year limit may be extended an additional 90 days. Delays by the applicant in providing the necessary information shall suspend these time periods.

The City Council approves of projects such as Capital Improvement Projects, General Plan Amendments, rezoning, and changes in the Municipal Code. The Planning Commission is the highest approving authority for projects such as Use Permits and Subdivisions.

E.8.16. Findings (section 15091)

The City shall not approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects unless the City makes one or more

written findings for each of the significant effects, accompanied by a brief explanation of the rationale for each finding. Findings must be supported by substantial evidence in the record of the project review. The following are possible findings:

- a) Changes have been required, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified in the final EIR. Necessary changes are generally identified after preparing the Initial Study.
- b) Changes that would avoid or substantially lessen the significant environmental effects are within the jurisdiction of another public agency or have already been adopted by another agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

E.8.17. Approval (section 15092)

After considering the final EIR, the decision-making body shall not approve a project for which an EIR was prepared unless the project as approved will not have a significant effect on the environment; or all avoidable significant effects on the environment have been eliminated or substantially lessened, and any remaining significant effects on the environment are determined to be unavoidable and acceptable based on the findings described above, and a Statement of Overriding Considerations is approved.

E.8.18. Statement of Overriding Considerations (section 15093)

If the benefits of a proposed project outweigh the unavoidable adverse effects, such effects may be considered "acceptable." If the City approves a project that allows the occurrence of significant effects, it shall adopt a Statement of Overriding Considerations that states specific reasons to support its action based on the Final EIR and/or other information in the record. This Statement of Overriding Considerations should be included in the record of the project approval and should be mentioned in the Notice of Determination.

E.8.19. Notice of Determination (section 15094)

Within five (5) days of project approval, a Notice of Determination (Appendix B) shall be filed and posted with the Office of Planning and Research and with the County Clerk. The filing and posting of the Notice of Determination starts a 30 day statute of limitations on court challenges to approval under CEQA. Failure to file this notice, within the specified time period, increases the statute of limitations to 180 days.

E.8.20. Disposition of a Final EIR (section 15095)

The City shall:

- a) File a copy of the Final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur;
- b) Retain one or more copies of the Final EIR as public records for a reasonable period of time; and,

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- c) Provide a copy of the certified, Final EIR to each responsible agency.

E.9. MITIGATION MONITORING AND REPORTING PROGRAM

Any mitigation measures included in a Mitigated Negative Declaration or Environmental Impact Report shall be packaged into a Mitigation Monitoring and Reporting Program (MMRP). The purpose of the MMRP is to create a document used to track implementation, compliance, and completion of required mitigation measures. While these mitigation measures are also included as conditions of approval on the project, the MMRP allows for additional tracking.

The MMRP shall be tailored to appropriately report on a particular mitigation measure called for in the environmental review document, but generally shall contain the following components:

- a) Procedures for monitoring the progress of mitigation during project construction and afterward;
- b) A regular schedule for progress reports specifying when the project proponent plans to meet each condition of approval;
- c) Enforcement procedures identifying which individuals, firms, or agencies are responsible for monitoring and reporting upon implementation of the Program; and,
- d) A cost recovery program proposal estimating the costs of carrying out the MMRP and specifying how, when, and in what form the project proponent will pay these costs.

For mitigation of complicated or technical impacts, staff may require that a qualified consultant be hired at the developer's expense. The applicant shall designate an individual to work with the City staff in developing monitoring programs, a summary of which shall be included in the environmental document to make certain each mitigation measure can be monitored.

The City may also require reporting or monitoring programs from outside agencies that have jurisdiction over the natural resources affected by the project. If agencies require mitigation measures to be imposed on a particular project, that agency is required to prepare and submit a monitoring program related to those mitigation measures.

Prior to posting a Mitigated Negative Declaration or an EIR for which mitigation measures have been included, City staff will meet with the project proponent to discuss these mitigation measures and the monitoring program. An agreement between the City and the project proponent will be signed and recorded against the subject property stating that both parties understand and agree to incorporate these mitigation measures and the monitoring program (Appendix B).

F. IMPACT ANALYSIS AND STUDY PREPARATION GUIDELINES

This section describes the City's guidelines for preparation of special studies and analyses as part of the CEQA process. As guidelines, the City will exercise its judgment as Lead Agency to adjust the contents of impact analyses and studies as necessary to fully investigate the potential impacts of a project on the environment.

F.1. BIOLOGICAL REVIEW GUIDELINES

F.1.1. Overview

These Biological Review Guidelines are provided as a standards basis and model for preparation of a Biological Review Study (BRS). The City will consider the requirement of a BRS on a case-by-case basis as development projects are brought forward for consideration. The thresholds of significance for requiring mitigation measures will be based on the City's General Plan, any applicable habitat conservation plan, and State and Federal law.

A BRS is a document that outlines and assesses the possible impacts a proposed project will have on biological resources. The intent of this document is to document the severity of impacts and propose viable project modifications or mitigation measures to reduce their significance. It can be used to feed into the CEQA process and facilitate an accurate assessment of possible significant impacts of a project that may trigger full CEQA review.

F.1.2. When is a Biological Review Study Needed?

A BRS is required for any proposed development for which at least one of the following criteria is met:

- a) The project is located in an area with endangered, rare, or threatened species of animal or plant, or the habitat of such species, as identified by the California Natural Diversity Data Base (NDDM)¹, the U.S. Fish and Wildlife Service, and the California Native Plant Society².
- b) The City deems that there is sufficient evidence that biological resources will be impacted.

F.1.3. Preparation of the Biological Review Study

The BRS must be prepared by a qualified biologist or other qualified environmental specialist. The applicant may pay to have the City's consultant prepare the study. Alternatively, the applicant may choose to administer the preparation of the report by a person with the required qualifications, but the City reserves the right to peer review the report at the applicant's expense.

F.1.4. What is the Review Process of the Biological Review Study?

A draft of the BRS must be submitted to the City for review and comment. Once its comments are addressed, the City will then distribute the draft report to other affected agencies, as appropriate. The other agencies will have the opportunity to submit comments on the draft report, which will be addressed in the final report.

¹ Accessible from: California Department of Fish and Game (n.d.). California Natural Diversity Database. Retrieved 8 August 2008, from <http://www.dfg.ca.gov/biogeodata/cnddb/>.

² Accessible from: California Native Plant Society (2008). Inventory of Rare and Endangered Plants. Retrieved 8 August 2008, from <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>.

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F.1.5. Contents of a Biological Review Study

The following outlines the required contents of a Biological Review Study. It is followed by descriptions of what must be included in the report.

Minimum Contents of a Biological Review Study

- a) Executive Summary
- b) Table of Contents, with List of Figures and List of Tables
- c) Introduction
 1. Description of the proposed project, with details on size, land use types, and land use amounts (dwelling units, square footage)
 2. Location of project
 3. Site plan, including maps of all ecosystems and other natural communities (site plan, map)
 4. Current and proposed land uses and zoning
 5. Project sponsor and contact person(s)
- d) Biological Resources Analysis
 1. Clearly state and describe methodologies and assumptions used in analyses, and how and when data was collected
 2. Existing and projected biological resources
 3. Reasonably likely significant impacts and mitigation measures
- e) Conclusions and Recommendations
 1. Discuss and include the significance criteria that apply to the Project reflecting, at a minimum, responses to the guidelines listed in State CEQA Guidelines Appendix G, section IV, Biological Resources.
 2. Evaluation of impacts in terms of City policies and standards and the Stage CEQA Guidelines Appendix G, section IV, Biological Resources.
- f) Appendix

F.1.5.a. Project Definition

The project definition must include the following information: project size, location and planned land use, special features that could affect biological resources, and a site plan showing all documented biological resources on site, including plant communities, unique or sensitive geologic formations, and animal communities.

F.1.5.b. Data Collection

The report preparer must collect data to determine the impact of the project on biological resources, particularly those that are listed as endangered, rare, threatened, or proposed for such listings by the California Natural Diversity Data Base (NDDM), managed by the Department of Fish and Game, the U.S. Fish and Wildlife Service, and the California Native Plant Society. The methodology of all data collection shall be clearly outlined in the BRS. Since the Endangered Species Act protects the habitat of sensitive species, data must also be collected about any habitats in the project site that are known to harbor declining species. The report preparer shall confer with the Planning Department to determine the level of data collection needed. Certain projects may be sufficiently served by using secondary data sources, whereas more comprehensive projects may require extensive investigation of the project site to document and assess sensitive biological resources (e.g., wetland delineations). In all cases, the data should be supplemented with relevant environmental assessment documents for the project area that have already been completed. The Planning Department shall provide further direction to the report preparer as needed.

F.1.5.c. Analysis of Biological Data

Analysis of the project's impacts is required to consider, as a minimum, the cumulative impacts of the following scenarios:

- a) Existing conditions
- b) Existing + Approved developments (if there are any)
- c) Existing + Approved + Project conditions

Planning staff may request additional scenarios to be considered, including the cumulative effects that would result from the project and anticipated projects that the City has not yet approved. If there are other approved or pending developments in the vicinity, they must be identified and included in the appropriate scenario.

Cumulative impacts are the combined effect of a group of projects or programs, over time. In other words, a series of relatively small minor projects that may not, individually, result in significant direct effects can, together, create a cumulative impact. In lone, the loss or disruption of any habitat supporting a species listed in the Natural Diversity Data Base maintained by the Department of Fish and Game is considered a significant cumulative impact. In addition, fragmentation of a wildlife corridor has significant cumulative impacts, because any disruption of migratory channels isolates neighboring habitats and substantially alters the ecosystem.

The assessment should also consider any possible "takings" that would result from the project. The "taking" of an endangered or threatened species is allowed only by permission of the U.S. Fish and Wildlife Service (USFWS) under Section 10 of the Federal Endangered Species Act. Extensive consultation with agency officials is required before a permit is considered. Persons wishing to obtain this permit must submit a Habitat Conservation Plan to the Secretary of the Interior. The Secretary is authorized to issue "incidental taking" permits only if the applicant has minimized and mitigated the impacts of the taking to the fullest possible extent, adequate funding for the plan is provided, and the taking does not appreciably reduce the likelihood of the survival and recovery of the species in the wild. Further information on this process may be obtained from the USFWS.

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F.1.5.d. Significance Criteria

As identified in section G.5.2. of this Chapter, an impact to biological resources is defined as significant if it affects aspects of the natural environment protected by law. Additionally, the State CEQA guidelines define several significant biological impacts that are reiterated here. A significant biological impact is one that will:

- a) Substantially affect an endangered, rare, or threatened species of animal or plant, or habitat of the species;
- b) Interfere substantially with the movement of any resident or migratory fish, or wildlife species;
- c) Substantially diminish habitat for fish, wildlife, or plants; or
- d) Convert prime agricultural land to a non-agricultural use, or impair the agricultural productivity of prime agricultural land.

F.1.5.e. Mitigation Measures

Mitigation measures must be created for all situations in which the BRS indicates that the project would either create a significant impact by itself or would contribute to cumulative significant impact under the various scenarios analyzed. All mitigation measures proposed must be feasible given the physical, environmental, and political constraints. In cases where the development would contribute to an impact, the project's percentage contribution to that impact must be identified in the BRS. The report preparer should work with City staff to identify preliminary cost estimates for identifying fair share estimates for mitigation measures.

Mitigation measures are actions designed to alleviate or avoid adverse environmental effects of proposed plans and projects. Mitigation includes:

- a) Avoiding the impact altogether by not taking a certain action;
- b) Minimizing impacts by limiting the degree or magnitude of the action;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and,
- e) Compensating for the impact by replacing or providing substitute resources or environments.

The City shall request applicants to furnish monitoring programs for each mitigation measure required as part of the environmental review process, which includes information on mitigation costs, monitoring, and enforcement responsibilities. For mitigation of complicated or technical impacts, staff may require that a consultant be hired at the applicant's expense. The applicant shall designate an Environmental Coordinator to work with City staff in developing monitoring programs that meet the intent of each mitigation measure. A summary of the monitoring programs shall be included in the environmental document to make certain each mitigation measure is monitored.

When other agencies have jurisdiction over a given site, the developer will have to meet the design, mitigation, and monitoring requirements imposed by those agencies, as well as any additional requirements established by the City of Ione.

F.1.5.f Anticipating Statements of Overriding Consideration

If it is anticipated that impacts cannot be reduced to a less-than-significant level, Statements of Overriding Consideration will be necessary if the project is to be approved; therefore, an EIR will be required. The BRS must contain quantitative information to support as many of the criteria as possible in order for the lead agency to consider statements of overriding consideration.

F.1.5.g. Report Documentation

The BRS must fully document the approach, methodology, and assumptions of the analysis. Figures (drawings and maps) are to be used to help illustrate these assumptions when possible.

F.2. TRAFFIC IMPACT STUDY GUIDELINES

F.2.1. Overview

Development projects that have the potential to substantially affect the City of Ione's transportation system (as well as the system of the larger Amador County) may be required to prepare a Traffic Impact Study (TIS). A Traffic Impact Study is a document that outlines the possible traffic impacts a proposed project may have. It is an essential tool that can feed into the CEQA process and facilitate an accurate assessment of possible significant impacts of a project that may trigger full CEQA review.

The Guidelines were originally prepared by the Amador County Transportation Commission in an effort to provide a standard basis and model for preparation of Traffic Impact Studies within Amador County. The City will consider requirement of a TIS on a case-by-case basis as development projects are brought forward for consideration. In any case, the thresholds of significance for requiring mitigation measures will be based upon the City's General Plan.

In all cases where a TIS is required, the TIS must be completed prior to action on the proposed project. This section describes the City of Ione's general practice for preparing such studies for development projects within the City.

F.2.2. When is a Transportation Impact Study Needed?

A TIS may be required for any proposed development for which at least one of the following criteria is met:

- a) It would generate 200 or more daily trips. If the Project has the potential to affect a State highway facility, a TIS may be required at a lesser peak hour trip generation level as set forth by the *Caltrans Guide for the Preparation of Traffic Impact Studies*, which can be found at:

<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>.

- b) It is inconsistent with the General Plan land use and/or zoning designations, and could potentially generate greater levels of traffic than the General Plan land use; or

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- c) It would generate greater levels of traffic than assumed for the area within the 2025 Amador County Traffic Model.

If none of these cases apply, a TIS may not be necessary unless the City deems that special circumstances require analysis (e.g., existing traffic congestion, safety concerns, public controversy, etc.) In certain cases the City may require a less extensive analysis, which might include obtaining traffic counts, preparing signal warrants, a focused TIS, etc.

F.2.3. Preparation of the Transportation Impact Study

The TIS must be prepared by a qualified transportation engineer or other qualified transportation specialist. The applicant may pay to have the City's consultant prepare the study. Alternatively, the applicant may choose to administer the preparation of the report by a person with the required qualifications, but the City reserves the right to peer review the report at the applicant's expense.

F.2.4. How is it determined that Transportation Impact Study Criteria are Met?

The following describes the process for determining if each of the three criteria is met.

- a) *Trip Generation* – Compute the daily trip generation for the development based on the recommended approach described below. Consult the Caltrans *TIS Guide* and Caltrans, District 10, Inter-Governmental Review (IGR) staff. .
- b) *General Plan/Zoning Consistency* – Check with the City's Planning Department.
- c) *2025 Traffic Model Consistency* – Check with the Amador County Transportation Commission (ACTC).

F.2.5. When does an existing Transportation Impact Study need to be updated?

A TIS requires updating when the amount or character of traffic is significantly different from an earlier study. Generally, a TIS requires updating every 18 months; however a TIS may require updating sooner in rapidly developing areas and not as often in slower developing areas. In these cases, consultation with the City is necessary for a determination.

F.2.6. What is the Transportation Impact Study Review Process?

A draft of the TIS must be submitted to the City for review and comment. Once its comments are addressed, the City will then distribute the draft report to other affected agencies including adjacent jurisdictions, ACTC, and Caltrans. The other agencies will have the opportunity to submit comments on the draft report, which will be addressed in the final report.

F.2.7. Contents of a Transportation Impact Study

The following list identifies the required minimum contents of TIS report. It is followed by sections that provide important details on the information requirements for specific elements of the TIS. If the Project has the potential to impact State highway facilities, those facilities should be analyzed in the TIS in accordance with the requirements of the Caltrans Guide for the Preparation of Traffic Impact Studies.

Minimum Contents of a Transportation Impact Study

- a) Executive Summary
- b) Table of Contents, with List of Figures and List of Tables
- c) Introduction
 - 1. Description of the proposed project, with details on size, land use types, and land use amounts (dwelling units, square footage)
 - 2. Location of project
 - 3. Site plan, including all access to surrounding roadways (site plan, map)
 - 4. Circulation network including all access to surrounding roadways (vicinity map)
 - 5. Current and proposed land uses and zoning
 - 6. Phasing plan (if applicable), including proposed dates of Project (phase) completion
 - 7. Project sponsor and contact person(s)
 - 8. References to other traffic impact studies
- d) Traffic Analysis
 - 1. Clearly state and describe methodologies and assumptions used in analyses, and how and when data was collected
 - 2. Existing and project traffic volumes (including turning movements), facility geometry (including storage lengths), traffic controls (including signal phasing and multi-signal progression where appropriate, and any other traffic data collected. Include figure(s))
 - 3. Project trip generation including references. Include table(s)
 - 4. Project generated trip distribution assumptions, methodology, and trip assignment. Include figure(s)
 - 5. LOS and signal warrant analyses for AM & PM peak hours (and weekend peak hours, if appropriate) for all required analysis scenarios. Include table(s)
- e) Conclusions and Recommendations
 - 1. Discuss and include the significance criteria that apply to the Project
 - 2. Evaluation of impacts to traffic facilities, including LOS and appropriate MOE levels (delay, V/C ratio, reserve capacity, etc.) for impacted facilities with and without mitigation measures. Include table(s)

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3. Evaluation of impacts to transit, bicycle, and pedestrian facilities
 4. Where applicable, and recommendations regarding consultation with Caltrans regarding circulation effects to state highways, and consultations with the California Public Utilities Commission (CPUC) regarding any circulation effects to railroad crossings or train trips.
 5. Findings related to Appendix G, Section XV, Transportation/Traffic, or the State CEQA Guidelines
 6. Mitigation phasing plan including dates of proposed mitigation measures
 7. Define responsibilities for implementing mitigation measures, including calculation of the Project's fair share of mitigation measure costs. Include table(s)
 8. Cost estimates for mitigation measure and financing plan
- f) Appendices
1. Summary spreadsheet showing impacts, mitigations, and LOS implications with map of impacted roadways and intersections keyed to spreadsheet
 2. Worksheets showing how the project fulfills the criteria for Statements of Overriding Consideration for significant and unavoidable impacts, as presented in Exhibit 3 of the TIS guidelines.
 3. Worksheets used in the analyses (e.g., signal warrants, LOS, traffic count information, etc.).

F.2.7.a. Project Definition

The TIS must contain the following information for each proposed development project: size, location and planned land use, special features that could affect trip generation, and a site plan showing the circulation, access and parking.

F.2.7.b .Selection of Study Roadways and Intersections

As a rule, the analysis must include any intersection or roadway segment, regardless of jurisdictional boundaries, to which at least 10 project trips to any lane would be added during the morning or evening peak hour (or 100 daily trips). Projects just meeting the threshold for traffic impact analysis will normally require analysis of only the intersection(s) or roadway segment(s) adjacent to the site. Larger developments will require the analysis of more intersections. In addition to off-site intersections, it is important that the TIS address the intersections/driveways proposed to provide access to the site. The lead agency must approve the study intersections and roadways to meet its own needs, with input from other potentially affected agencies such as the ACTC, adjacent jurisdictions, and Caltrans.

F.2.7.c. Data Collection

New traffic counts must be collected at any study intersection for which the previous counts are more than 18 months old. Daily road segment counts can be estimated from the peak hour counts by estimating the proportion of peak traffic to daily based on historical data. Daily

counts along State highway segments may be obtained from Caltrans. Depending on the issues to be addressed in the study, the analyst may need to collect historic accident data, which can be obtained from the local agencies, the California Highway Patrol, or Caltrans (for State highways).

F.2.7.d. Trip Generation

Trip generation data has been developed for a wide variety of land uses. These are summarized in the latest edition of Trip Generation, published by the Institute of Transportation Engineers (ITE), as well as reports by the San Diego Association of Governments. The TIS must report the trip generation rates used and the sources for those rates. In cases where published trip generation rates are based on very limited data or do not adequately represent the proposed land use(s), trip generation rates should be verified through local field observation of similar uses, if possible.

Published trip generation rates represent an average for a number of observed projects. A particular project, however, may include specific characteristics that call for adjustments to the rate to reflect its trip generation characteristics adequately. Trip generation adjustments may be justified to account for pass-by trip reductions for retail uses or trip rate reductions for multi-use commercial centers, where the mix of uses could reasonably be expected to attract multi-purpose trips. Great care must be taken when adjusting trip generation rates. All trips, including pass-by trips, must be included in the analysis of the Project's driveways. The analyst must document the basis for proposed trip rate adjustments and receive approval from the City.

F.2.7.e. Trip Distribution and Assignment

The trip distribution and assignment assumptions for the Project may be developed based on the traffic counts in the vicinity of the proposed development and/or existing and projected distribution patterns of population and employment opportunities. For cumulative conditions, the assumptions may be based on the 2025 traffic projections per the Amador County Traffic Model. In cases where a development would generate a substantial number of new trips, the analyst may choose to conduct a select zone assignment in the Traffic Model to determine the future trip distribution assumptions.

F.2.7.f. Analysis of Traffic Impacts

Analysis of levels of service (LOS) is required to establish compliance with LOS standards. The results of the analysis must be compared with the LOS criteria presented in the City's General Plan Circulation Element. The TIS must include, as a minimum, consideration of the following scenarios:

- a) Existing conditions
- b) Existing + Approved developments (if there are any)
- c) Existing + Approved + Projects
- d) Cumulative (2025) conditions – ensure that cumulative conditions include regional development identified in the travel demand model plus traffic from approved/pending developments (if they are not already reflected in the model)
- e) Cumulative + Project conditions

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Additional scenarios may be required if the project is large and is to be developed in phases. If there are other approved or pending developments in the vicinity, they must be identified and included in the appropriate scenario. Cumulative conditions include any developments that have an accepted application on file at the local agency. Cumulative roadway improvements shall include those that are consistent with the City's Circulation Element and/or Amador County Regional Transportation Plan and expected to occur by 2025 (with full funding). All programmed/funded capital improvements in the City's Circulation Element and/or Amador County Regional Transportation Plan that will affect traffic capacity of the study intersections and roadway segments can be considered in the cumulative traffic impact analysis.

Peak hour LOS must be calculated for each study intersection consistent with state of the practice procedures. In most cases, the weekday morning (AM) and weekday evening (PM) peak hours should be included in the analysis. For certain types of development (e.g., recreation facilities, churches, some retail uses, gaming developments), some peak hours may be added (e.g., midday or weekends) or eliminated (e.g., AM peak hour for low traffic generators) from the analysis, if approved by the lead agency. Unless determined otherwise by the City, compliance with the LOS standards will be based solely on weekday AM and PM peak hour traffic analysis results. For unsignalized intersections, appropriate Caltrans signal warrants must also be checked for each scenario.

LOS must also be calculated for key roadway segments that are affected by project-generated trips. The City's General Plan Circulation Element provides roadway segment LOS criteria, and related thresholds for significance are provided in section G of this Chapter. The LOS analysis for the proposed project should include a determination of the volume, LOS, and percentage of reserve capacity consumed by the proposed development.

F.2.7.g. Evaluation of Transit, Bicycle, Pedestrian Facilities

In addition to the analysis of the roadway system, the TIS must include an assessment of the development's impact on transit (including park-and-ride), bicycle, and pedestrian facilities adjacent to the site. This assessment is generally qualitative in nature, and impacts are identified based on the development's consistency with applicable policies of the City's General Plan and may also include a consistency analysis with adopted ACTC and Amador County policies, as deemed applicable. The analysis must identify potential locations for transit stops and turnouts, where appropriate.

F.2.7.h. Significance Criteria

The results of the analysis must be compared to the significance criteria as established by the policies of the City's General Plan and reiterated in section G. of this Chapter. While the General Plan provides a definitive guide to the level of significance, the following criteria are generalized thresholds:

A proposed project is considered to result in a significant impact if the proposed project:

- a) Degrades operations from an acceptable LOS (based General Plan policies to an unacceptable level); or
- b) Increases delay at an unsignalized intersection operating at an unacceptable level by five or more seconds and the intersection satisfies the MUTCD peak hour volume warrant for traffic signal installation; or

- c) Increases delay at a signalized intersection operating at an unacceptable level by five or more seconds; or
- d) Increases the volume-to-capacity ratio on a roadway segment operating at an unacceptable level by 0.05 or more; or
- e) The project is inconsistent with planned bicycle/pedestrian/transit facilities within the study area.

F.2.7.i. Mitigation Measures

Mitigation measures are required in all cases where the results of the TIS indicate that the development would either create a significant impact by itself or would contribute to a significant impact under the various scenarios analyzed. Levels of service at the study intersections and roadway segments must be calculated with and without the proposed mitigation measures. Mitigation measures must be feasible given physical, environmental, and political constraints. In cases where the development would contribute to an impact, the Project's percentage contribution to that impact must be identified in the TIS. The project applicant should work with City staff, and ACTC as appropriate, to identify the appropriate Fair Share Contribution Method that should be used for the calculation.

The project applicant should work with City staff, and ACTC as appropriate, to identify preliminary cost estimates for identifying fair share estimates. The applicant should work with ACTC staff so that all fair share estimates, cost estimates, and preliminary improvement designs are tracked and accounted for using the ACTC's Circulation Mapping Exercise (CMX) tool or an agreed upon equivalent method. The CMX tool takes high-resolution Caltrans aerial photographs and overlays a mosaic of information gleaned from various traffic impact studies throughout a specific region to show what the ultimate build out of the roadway system could be if all of the mitigations recommended by the traffic impact studies are built.

It is recommended that fair share determinations and appropriate cost estimates are presented under separate cover to the lead agency and ACTC separate from traffic impact study. This will be used to aid the lead agencies in identifying appropriate conditions of approval for development projects.

Mitigation measures are actions designed to alleviate or avoid adverse environmental effects of proposed plans and projects. Mitigation includes:

- a) Avoiding the impact altogether by not taking a certain action;
- b) Minimizing impacts by limiting the degree or magnitude of the action;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and,
- e) Compensating for the impact by replacing or providing substitute resources or environments.

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The City shall request applicants to furnish monitoring programs for each mitigation measure required as part of the environmental review process, which includes information on mitigation costs, monitoring, and enforcement responsibilities. For mitigation of complicated or technical impacts, staff may require that a consultant be hired at the applicant's expense. Either the City or the applicant shall designate an Environmental Coordinator to work with City staff in developing monitoring programs that meet the intent of each mitigation measure. A summary of the monitoring programs shall be included in the environmental document to make certain each mitigation measure is monitored.

When other agencies have jurisdiction over a given site, the developer will have to meet the design, mitigation, and monitoring requirements imposed by those agencies, as well as any additional requirements established by the City of Lone.

F.2.7.j. Graphic Summary of Impacts, Mitigation Measures and LOS Implications

The TIS must also include, as Appendix A, a summary of the mitigation measures proposed by the study. Appendix A must also include a spreadsheet showing each impact identified by the TIS, its LOS implications in each scenario, the proposed mitigation for that impact, and the resulting LOS. A vicinity map showing all of the impacted roadways and intersections must also be included in Appendix A. The impacted roadways and intersections should be "keyed" by numbers or letters to corresponding numbers or letters on the spreadsheet. The map and spreadsheet are intended to provide the public, staff and decision makers a user-friendly reference guide to essential contents of the TIS.

F.2.7.k. Anticipating Statements of Overriding Consideration

If it is anticipated that impacts cannot be reduced to a less-than-significant level, statements of overriding consideration will be necessary if the project is to be approved; therefore, an EIR will be required. The TIS must contain quantitative information to support as many of the criteria as possible in order for the lead agency to consider statements of overriding consideration.

F.2.7.l. Report Documentation

The TIS must fully document the approach, methodology, and assumptions of the analysis. It must clearly explain the reasons for any adjustments to the trip generation rates and assumptions used for trip distribution and assignment. Figures (drawings and maps) are to be used to help illustrate these assumptions. The report must summarize the results of the LOS calculations in table form, and include figures showing the traffic volumes for the Project alone and for each scenario. Signal warrant worksheets and LOS calculation sheets must be included as appendices to the report.

F.3. NOISE STUDY GUIDELINES

F.3.1. Overview

These guidelines are provided as a standards basis and model for preparation of a Noise Study (NS). The City will consider the requirement of a NS on a case-by-case basis as development projects are brought forward for consideration. The thresholds of significance for requiring mitigation measures will be based on the City's General Plan.

A NS is a document that outlines and assesses both the possible impacts a proposed project will have on noise level measurements and how it will be impacted by external noise levels, primarily

those generated by traffic. The intent of this document is to document the severity of impacts and propose viable project modifications or mitigation measures to reduce their significance. It can be used to feed into the CEQA process and facilitate an accurate assessment of possible significant impacts of a project that may trigger full CEQA review.

F.3.2. When is a Noise Study Needed?

A NS is required for any proposed development when the City deems that there is sufficient evidence that a NS is merited. This will often be the case when conflicting uses are proposed in close proximity, such as a project proposing residential uses near a major arterial and industrial uses, or a project proposing an industrial use near a school.

F.3.3. Preparation of the Noise Study

The NS must be prepared by a qualified noise engineer or other qualified noise specialist. The applicant may pay to have the City's consultant prepare the study. Alternatively, the applicant may choose to administer the preparation of the report by a person with the required qualifications, but the City reserves the right to peer review the report at the applicant's expense.

F.3.4. What is the Review Process of the Noise Study?

A draft of the NS must be submitted to the City for review and comment. Once its comments are addressed, the lead agency will then distribute the draft report to other affected agencies. The other agencies will have the opportunity to submit comments on the draft report, which will be addressed in the final report.

F.3.5. Contents of a Noise Study

The list below outlines the required contents of a Noise Study. It is followed by descriptions of what must be included in the report.

Minimum Contents of a Noise Study

- a) Executive Summary
- b) Table of Contents, with List of Figures and List of Tables
- c) Introduction
 1. Description of the proposed project, with details on size, land use types, and land use amounts (dwelling units, square footage)
 2. Location of project
 3. Site plan, including maps of all ecosystems and other natural communities (site plan, map)
 4. Current and proposed land uses and zoning
 5. Project sponsor and contact person(s)

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d) Noise Analysis

1. Clearly state and describe methodologies and assumptions used in analyses, and how and when data was collected
2. Existing and projected noise levels
3. Reasonably likely significant impacts and mitigation measures

e) Conclusions and Recommendations

1. Discuss and include the significance criteria that apply to the Project, including responses to each guideline contained in Section XI of Appendix G to the State CEQA Guidelines.
2. Evaluation of impacts in relation to all City-specified thresholds, and each guideline contained in Section XI of Appendix G to the State CEQA Guidelines.

F.3.5.a. Project Definition

The project definition must include the following information: project size, location and planned land use, special features that could affect noise levels, and a site plan showing all significant noise generators on and adjacent to the site that currently exist and are projected for the future, as determined by approved projects, the City's General Plan, and other relevant information provided by the City.

F.3.5.b. Data Collection

The report preparer must collect data to determine the susceptibility of the project to existing and future noise levels, and the impact the project will have on future noise levels. This will primarily be accomplished by measuring existing noise measurements and traffic counts at the project site. Future noise levels will then be assessed using future traffic projections, development projections, and collected site data. The Planning Department shall provide further direction to the report preparer as needed.

F.3.5.c. Analysis of Noise Data

Analysis of the project's impacts is required to consider, as a minimum, the cumulative impacts of the following scenarios:

- a) Existing conditions
- b) Existing + Approved developments (if there are any)
- c) Existing + Approved + Project conditions
- d) Future scenarios envisioned by the Noise Element and Circulation Element + Project conditions

Planning staff may request additional scenarios to be considered, including the cumulative effects that would result from the project and anticipated projects that the City has not yet

approved. If there are other approved or pending developments in the vicinity, they must be identified and included in the appropriate scenario.

F.3.5.d. Significance Criteria

As identified in section F.4.2 of this Chapter, the City's General Plan establishes allowable noise thresholds by land use type. A significant impact is defined as any project scenario that would result in noise levels identified as Conditionally Acceptable, Normally Unacceptable, and Clearly Unacceptable in the Table IV.F-1 (Noise Thresholds) below.

TABLE IV.F-1: NOISE THRESHOLDS

Land Use Class	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
	(measured in dB)			
Residential Suburban, Residential Low Density, Residential Medium Density	< 60	60 – 70	70 – 75	75 +
Commercial Business District, Commercial General, Commercial Neighborhood and Highway	< 70	70 – 75	75 – 80	80 +
Light Industrial, Heavy Industrial	< 70	70 – 75	75 +	
Open Space	< 70	60 – 70	70 – 75	75 +
Agricultural Transitional, Ag/Mineral Resource, Public Service	< 60	60 – 70	70 – 75	75 +
Recreational	< 60	60 – 70	70 – 80	80 +
Special Plan	Any combination of above. Depends on proposed uses.			

Additionally, significant noise impacts shall be defined as exterior noise levels above 55 dB for sensitive uses, including schools and residential development. A significant noise impact for outdoor activity areas of residential developments shall be defined as ambient exterior noise levels over 65 dB, as established in Goal 10 of the City's General Plan.

F.3.5.e Mitigation Measures

Mitigation measures must be created for all situations in which the NS indicates that the project would either create a significant impact by itself or would contribute to a cumulative significant impact under the various scenarios analyzed. All mitigation measure proposed must be feasible given the physical, environmental, and political constraints. In cases where the development would contribute to an impact, the project's percentage contribution to that impact must be identified in the BRS. The report preparer should work with City staff to identify preliminary cost estimates for identifying fair share estimates for mitigation measures. Typical mitigation measures used to achieve an exterior noise reduction include the use of setbacks, site design, berms, or

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sound walls. Mitigation used to achieve interior noise reduction may include the use of acoustically rated windows, or building façade improvements.

Mitigation measures are actions designed to alleviate or avoid adverse effects of proposed plans and projects. Mitigation includes:

- a) Avoiding the impact altogether by not taking a certain action;
- b) Minimizing impacts by limiting the degree or magnitude of the action;
- c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and,
- e) Compensating for the impact by replacing or providing substitute resources or environments.

The City shall request applicants to furnish monitoring programs for each mitigation measure required as part of the environmental review process, which includes information on mitigation costs, monitoring, and enforcement responsibilities. For mitigation of complicated or technical impacts, staff may require that a consultant be hired at the applicant's expense. The applicant shall designate an Environmental Coordinator to work with City staff in developing monitoring programs that meet the intent of each mitigation measure. A summary of the monitoring programs shall be included in the environmental document to make certain each mitigation measure is monitored.

When other agencies have jurisdiction over a given site, the developer will have to meet the design, mitigation, and monitoring requirements imposed by those agencies, as well as any additional requirements established by the City of Lone.

F.3.5.f Anticipating Statements of Overriding Consideration

If it is anticipated that impacts cannot be reduced to a less-than-significant level, statements of overriding consideration will be necessary if the project is to be approved; therefore, an EIR will be required. The NS must contain quantitative information to support as many of the criteria as possible in order for the lead agency to consider statements of overriding consideration.

F.3.5.g Report Documentation

The NS must fully document the approach, methodology, and assumptions of the analysis. Figures (drawings and maps) are to be used to help illustrate these assumptions when possible.

G. THRESHOLDS OF SIGNIFICANCE

G.1. LEVELS OF SIGNIFICANCE

Determining the significance of environmental impacts is an important aspect of the environmental review process because it determines the course the project will take through the CEQA process. Definitions of significance affect whether or not a full EIR, a Mitigated Negative

Declaration, or a Negative Declaration is required to satisfy CEQA requirements. If the impact cannot be reduced or avoided, an Environmental Impact Report (EIR) must be prepared.

To help clarify and standardize decision-making in the environmental review process, the City of Lone has developed "thresholds" of environmental significance. Thresholds are measures of environmental change that are quantitative for subjects like noise, air quality, and traffic; and qualitative for subjects like aesthetics, land use compatibility, and biology. These thresholds are used in the absence of other empirical data to define the significance of impacts. For some projects, however, special studies and/or the professional judgment of City staff may enter into the decision-making process. Therefore, Lone's thresholds are intended to serve as guidelines, and to augment existing CEQA provisions (California Administrative Code, Title 14, Chapter 3, sections 15064, 15065, 15382, and Appendix G) governing the definitions of significance. The City's environmental thresholds will be periodically updated as new information becomes available, or as standards regarding acceptable levels of environmental change are reevaluated. When this occurs, the City will evaluate the data and, if necessary, modify the thresholds to reflect new or improved standards.

The City will evaluate the significance of a potential impact from a project on the environment based both on the guidance provided in Section 15064 of the State CEQA Guidelines and adopted City policy and standards. The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the City, based to the extent possible on scientific and factual data. An iron clad definition of significant effect is not always possible because the significance of an activity may vary with the setting. For instance, an activity which may not be significant in the central downtown core of the City may be significant on the edge of the City.

The State CEQA Guidelines defines the term "significant impact on the environment" as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. In evaluating the significance of the environmental effect of a project, the City shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project. A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution. An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from

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the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

G.2. TRANSPORTATION

G.2.1. Levels of Service Overview

New development can trigger increased traffic volumes that cause significant environmental effects while deteriorating the quality of traffic circulation. The most commonly used measure that reflects these conditions is the level of service. The level of service (LOS) is measured for a road segment in terms of the traffic volume in relation to its functional capacity. Road capacity is influenced by multiple factors, including lane width, shoulder width, terrain type, proportion of trucks, peaking characteristics, and ability to pass. The LOS is determined by comparing the average daily and peak daily volumes to capacities of each roadway classification. LOS are ranked from A to F, with A representing the highest quality of traffic flow and F representing the lowest quality of traffic flow. These levels may be derived either from: a) the ratio of volume to capacity (v/c ratio), or b) the seconds of delay. The categories are defined below in Table IV.G-1 (Levels of Service Defined).

TABLE IV.G-1: LEVELS OF SERVICE DEFINED

Level of Service	Description	Volume/Capacity Ratio	Average Travel Delay
A	Represents free flow. Individual users are virtually unaffected by the presence of other in the traffic stream.	0.00 – 0.59	< 5 seconds
B	Stable flow, but the presence of others in the traffic stream begins to be noticeable.	0.60 – 0.69	5 – 15 seconds
C	Stable flow, but marks the beginning of the range of flow in which the operation of individual users becomes significantly affected by interaction with others in the traffic stream.	0.70 – 0.79	15 – 25 seconds
D	Represents high density, but stable flow.	0.80 – 0.89	25 – 40 seconds
E	Represents operating conditions at or near capacity level.	0.90 – 0.99	40 – 60 seconds
F	Represents forced or breakdown flow.	1.00	> 60 seconds

Source: Highway Capacity Manual – Special Report 209 (Transportation Research Board, 1994).

G.2.2. Thresholds of Significance

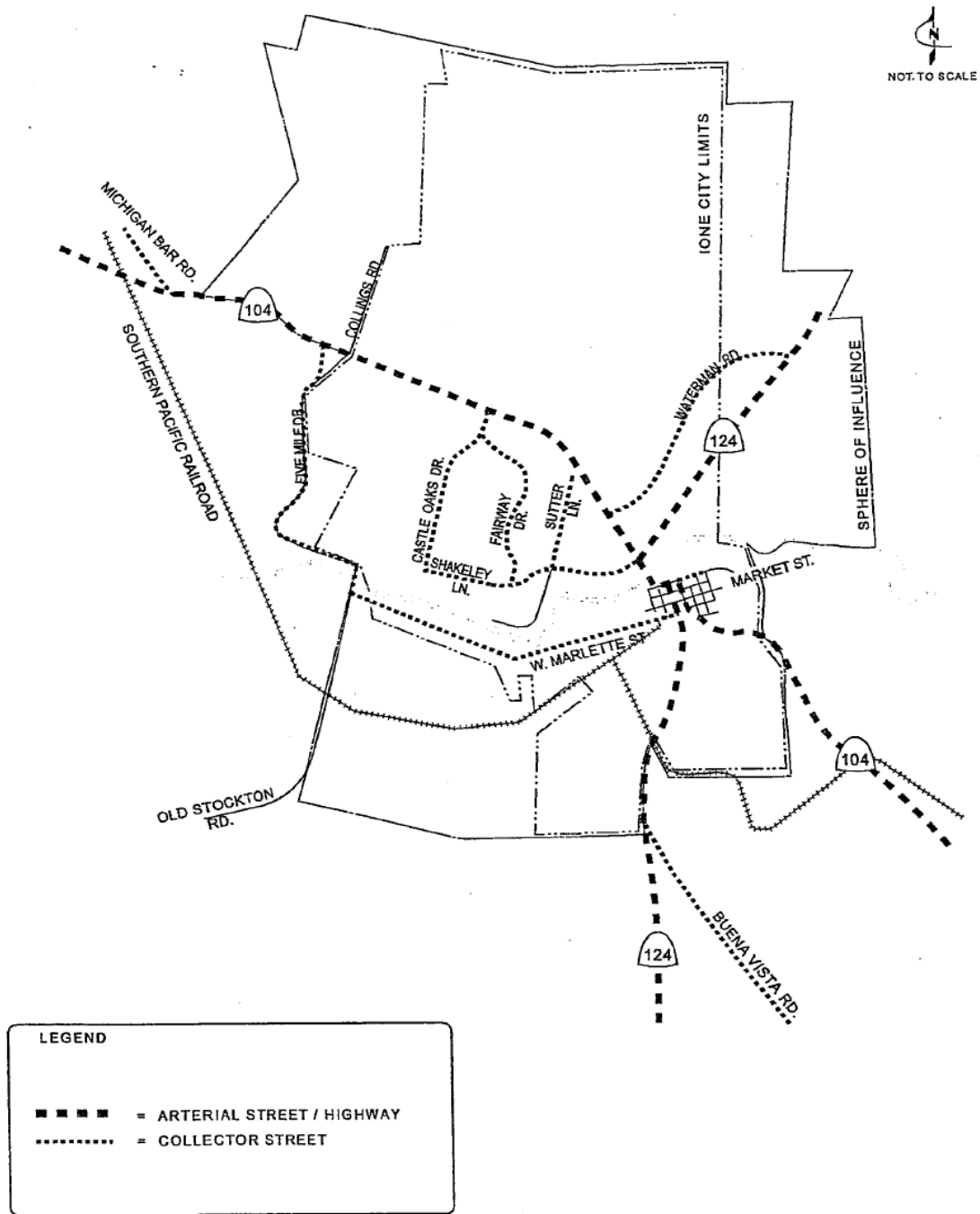
Any project that would diminish the LOS of a major arterial, collector street, or intersection to a C or below shall be defined as having a significant traffic-related impact. As asserted in the City's Circulation Element of the General Plan (2003) Policy 1.1, the City shall work to maintain a minimum LOS of C for all major arterials, collector streets, and intersections, while also working to prevent deterioration for all arterials and collectors.

Additionally, the following are also defined as significant traffic-related impacts:

- a) Increases delay at an unsignalized intersection operating at an unacceptable level by five or more seconds and the intersection satisfies the MUTCD peak hour volume warrant for traffic signal installation; or
- b) Increases delay at a signalized intersection operating at an unacceptable level by five or more seconds; or
- c) Increases the volume-to-capacity ratio on a roadway segment operating at an unacceptable level by 0.05 or more; or
- d) The project is inconsistent with planned bicycle/pedestrian/transit facilities within the study area.

The existing road classifications for all roads in lone are provided below in Figure IV.G-1 (Existing Road Classifications in lone).

FIGURE IV.G-1: EXISTING ROAD CLASSIFICATIONS IN IONE



Source: Circulation Element (2003), Figure 6, page 29.

G.3. LAND USE

G.3.1. Minimization of Flood Risks

G.3.1.a. Overview

The City of Lone is located in a rural setting. Maintaining this character and environmental setting is an important goal for the City, as exhibited in the City's General Plan goal 2.00: to preserve open space lands for the future use of community residents. The General Plan also establishes several thresholds to implement this goal.

G.3.1.b. Thresholds of Significance

Significant flood-related impacts shall be defined as those resulting whenever new development is proposed in the flood plain, as depicted in the latest FEMA FIRM (Flood Insurance Rate Map). All development in the flood plain shall be prohibited except where structures are sited to avoid flood risk and preserve riparian habitat, as specified in Implementation Measure 2.01 of the General Plan and Chapter 18.04 of the Municipal Code.

G.3.2. Impacts of Intensive Operations

G.3.2.a. Overview

Mining operations industrial uses may significantly impair the ability of adjacent landowner to enjoy his or her property. Mining operations may generate significant noise, air pollution, dust, and other negative impacts that affect the environment and the quality of life of nearby resident.

G.3.2.b. Thresholds of Significance

Significant mining and industrial related impacts shall be defined as those resulting whenever mining operations or industrial operations are proposed adjacent to existing, zoned, or planned residential areas. In this case, the City shall require mitigation with a minimum of a 200 foot buffer, as provided for in Implementation Measure 3.03 of the General Plan.

G.3.3. Grading and Erosion Control

G.3.3.a. Overview

Construction and grading can aggravate erosion and lead to the discharge of increased debris and materials into waterways. This leads to water pollution, the buildup of silt and dirt, and the gradual filling-in of waterways.

G.3.3.b. Thresholds of Significance

The City requires, as part of its implementation of the National Pollution Discharge Elimination System (NPDES) and in conjunction with the Central Valley Regional Water Quality Control Board, storm water pollution prevention plans (SWPP) that utilize best management practices (BMPs) to control storm water runoff during construction activities and from mining operations.

G.3.4. Protecting Lands Vulnerable to Fire Hazard

G.3.4.a. Overview

lone is located at the conjunction of two major vegetation zones. The western portions of the City are dominated by valley grassland plant communities, whereas the rest of lone is characterized by chaparral and pine-oak communities. As a result of this vegetation, lone is located in a Wildland-Urban Interface area. Hence, the developed portion of the City is in close proximity to natural vegetation, creating an increased risk of fire hazards. As the City's urbanized areas expand further into existing vegetation, fire hazards will only increase.

G.3.4.b Thresholds of Significance

Significant fire-related impacts shall be defined as those resulting whenever new development is proposed in a chaparral environment. To mitigate this impact, any new development proposed in a chaparral environment shall be separated from natural vegetation by a maintained green belt or other appropriate fire buffer, as indicated in Implementation Measure 8.03 of the General Plan.

G.3.5. Unstable Slopes

G.3.5.a. Overview

The majority of lone is relatively flat, although the City is located within a hilly setting. To the west of the City is the lone Valley, with elevations ranging from 280 to 240 feet. To the south and east of the City are the hills of the lone Formation, with elevations ranging from 300 to 350 feet. To the east of the City are the Sierra Nevada foothills, which range from 400 to 600 feet.

G.3.5.b. Thresholds of Significance

Significant geologic-related impacts shall be defined as overcutting or undercutting of slopes greater than 30%. Per Implementation Measure 9.03 of the General Plan, no slopes shall be undercut or oversteepened beyond 30%.

G.4. Noise

G.4.1. Overview

Many uses are sensitive to excessive amounts of noise, including residential uses and school facilities. Negative noise impacts can be generated by excessive traffic or commercial uses. While noise is often an easily forgotten impact of development, it is still necessary to quantify noise impacts to obtain a comprehensive picture of the potential impacts of a project.

G.4.2. Thresholds of Significance

The following noise thresholds are established by the City in Goal 10 of the General Plan. Significant noise-related impacts shall be defined as raising noise levels to those classified as Conditionally Acceptable, Normally Unacceptable, and Clearly Unacceptable for each land use as shown in Table IV.G-2 (Noise Thresholds) below.

TABLE IV.G-2: NOISE THRESHOLDS

Land Use Class	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
	(measured in dB)			
Residential Suburban, Residential Low Density, Residential Medium Density	< 60	60 – 70	70 – 75	75 +
Commercial Business District, Commercial General, Commercial Neighborhood and Highway	< 70	70 – 75	75 – 80	80 +
Light Industrial, Heavy Industrial	< 70	70 – 75	75 +	
Open Space	< 70	60 – 70	70 – 75	75 +
Agricultural Transitional, Agriculture/Mineral Resource, Public Service	< 60	60 – 70	70 – 75	75 +
Recreational	< 60	60 – 70	70 – 80	80 +
Special Plan	Any combination of above. Depends on proposed uses.			

Additionally, significant noise impacts shall be defined as exterior noise levels above 55 dB for sensitive uses, including schools and residential development. A significant noise impact for outdoor activity areas of residential developments shall be defined as ambient exterior noise levels over 65 dB, as established in Goal 10 of the City's General Plan.

G.5. BIOLOGICAL RESOURCES

G.5.1. Overview

Areas of natural vegetation serve a number of beneficial functions. They aid in preventing soil erosion, minimize surface water runoff, replenish oxygen supply to the atmosphere, purify the air of pollutants, serve as a food source and shelter for native wildlife, and they provide attractive visual amenities to the community.

G.5.2. Thresholds of Significance

An impact to biological resources is defined as significant if it affects aspects of the natural environment protected by law. Additionally, the State CEQA guidelines define several significant biological impacts that are reiterated here. A significant biological impact is one that will:

- a) Substantially affect an endangered, rare, or threatened species of animal or plant, or habitat of the species;

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- b) Interfere substantially with the movement of any resident or migratory fish, or wildlife species;
- c) Substantially diminish habitat for fish, wildlife, or plants; or
- d) Convert prime agricultural land to a non-agricultural use, or impair the agricultural productivity of prime agricultural land.

G.6. CUMULATIVE IMPACTS

In assessing the significance of impacts on the environment, the City must also consider the cumulative impacts of the project. As defined in the CEQA provisions (section 15355 of the California Administrative Code, Title 14, Chapter 3), cumulative impacts refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Cumulative impacts can result from single projects or from a number of distinct projects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.